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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,150	06/19/2003	John Arthur Laurent	31661-1002	6259

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PEACOCK MYERS, P.C.  
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EXAMINER

FRISTOE JR, JOHN K

ART UNIT PAPER NUMBER

3751

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,150

Applicant(s)

LAURENT ET AL.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments see pages 16 and 17, filed 7/7/2005, with respect to the packing of Hashiguchi being located in a turbine and not a valve have been fully considered and are persuasive. The rejection based on Hashiguchi et al. of claims 1, 4, 5, 7-10, and 13-15 has been withdrawn.

2. Applicant's arguments filed 7/7/2005 have been fully considered but they are not persuasive. Applicants' argue that Pakula does not disclose a first adjustable means and a second adjustable means that are adjusted independent of each other, the examiner disagrees. Pakula discloses a single bolt (80) but comprises two sets of adjusting means. The first adjusting means is comprised of the pair of nuts (81) and the spring (91) on the upper portion of the bolt (80) in figure 5A and the second adjusting means is comprised of the pair of nuts (81) and the spring (92) on the lower portion of the bolt (80) in figure 5A. The first and the second adjusting means can be adjusted independent of on another. Applicants' also argue that Pakula discloses a rotary valve and not a valve that also moves longitudinally such as Applicants' invention. However a limitation regarding the longitudinal movement of the shaft is not recited in the claims and therefore this argument is moot. However, since the examiner did not read the secondary adjustable means on the second pair of nuts on the bolt of Pakula this Office action has been made Non-final.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,476,117 (Pakula). Pakula discloses valve assembly having a secondary packing gland apparatus comprising a primary packing gland flange (54), a stem (17), a second packing chamber (chamber housing element 71 in figure 5A), a secondary packing (71), a secondary packing gland flange (75), a first adjustable means (the pair of nuts (81) on the upper portion of bolt (80) in figure 5A) for connecting the secondary packing gland flange (75) to the primary packing gland flange (54), a second adjustable means (the pair of nuts (81) on the lower portion of bolt (80) in figure 5A) for connecting the primary packing gland flange (54) to the valve assembly (36), wherein the adjusting means increase or decrease compression of the packings (71 and the lower packing seen in figure 5A), wherein the first adjustable means and the second adjustable means are adjusted independent of each other (each set pair of nuts can be adjusted without the pair of nuts being adjusted), wherein the secondary packing (71) is compressible by said secondary packing gland flange (75), said means for connecting (80) is adjustable (figure 5) to move the secondary packing gland flange (75) axially to increase and decrease the compression of the secondary packing (71), the primary packing gland flange (54) defines an annulus (the space between stem extension 60 and the flange member 54), a vent (82), a cylindrical pusher (76), at least one secondary packing bolt (80), at least one secondary packing gland nut (81), and at least one elastically reboundable spring means that is a Belleville washer (92, seen in figure 5A)

Although Pakula does not show an annulus around the stem extension, it is inherent that there is a space around that portion of the stem since there is a vent in the primary packing flange. If there were no space defined by the primary packing flange then there would be no need for a vent since no fluid would be capable of being located there.

Regarding claims 9 and 14, the elements of the first and second adjustable means are not claimed in a manner that elements recited in claim 14 depend from elements recited in claim 9 therefore it is the examiners opinion that the primary packing bolt can be also called the secondary packing bolt. This can be remedied by manipulating the dependency of the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,476,117 (Pakula) in view of U.S. Pat. No. 5,263,682 (Covert et al.). Pakula discloses a secondary packing gland assembly comprising a primary packing gland flange (54), a stem (17), a second packing chamber (chamber housing element 71 in figure 5A), a secondary packing (71), a secondary packing gland flange (75), adjustable means (80) for connecting the secondary packing gland flange (75) to the primary packing gland flange (54), wherein the secondary packing (71) is compressible by said secondary packing gland flange (75), and said means for connecting (80) is adjustable (figure 5) to move the secondary packing gland flange (75) axially to increase and decrease the compression of the secondary packing (71) but lacks an

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annulus defined by the primary packing gland flange. Covert et al. teach a stem packing assembly having a primary packing gland flange (24) having a primary packing gland (70), a secondary packing gland (100) an annulus (78) defined by the stem (20), and a vent 114. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the secondary packing assembly of Pakula by having an annulus defined by the primary packing gland flange as taught by Covert et al. in order to allow the leaking fluid to accumulate.


*Allowable Subject Matter*

7. Claims 16-20 are allowed.
8. Claim 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.  
Examiner  
Art Unit 3751

JKF



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8/18/05